

## CIVIL DOCKET

## UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>E. R. Reid, C. E. Valentine, J. P. Blackburn, G. Bowen, T. O. Bradshaw, E. Al Bryant, Kathy Crawford, Paul E. Crawford, Jack L. Dawson, W. L. Dilbeck, Henry Gullic, Melva W. Hodges, K. C. Lochrie, Nancy B. Michael, Robert D. Newsom, S. Marie Olson, Jack R. Porter, C. R. Puls, Norma S. Simpson, Kenneth G. Teel, Harlan Thompson, and O. W. Ross, Jr., individually and as representatives of a class of persons like situated,</p> <p>VS</p> <p>McDonnell Douglas Corporation, a Maryland Corporation, and International Union United Automobile, Aerospace and Agricultural Implement Workers of America (UAW-AFL-CIO) District Lodge 1093</p>	<p>For plaintiff:</p> <p>Kothe, Eagleton &amp; Hall 204 Philtower Building Tulsa, Oklahoma 74103</p> <p><i>584-5185</i></p> <p><b>Jonathon C. Gibson-San Diego, Calif.</b> 707 Broadway, 92101</p> <p>For defendant:</p> <p>Maynard Ungerman Wright Building Tulsa, Oklahoma 74103</p> <p>James E. Youngdahl 711 West Third Street Little Rock, Arkansas 72201</p> <p>Stephen I. Schlossberg 8000 East Jefferson Ave. Detroit, Michigan 48214</p> <p>Joseph L. Rauh, Jr., John Silard, Harriett R. Taylor 1001 Connecticut Ave., N.W. Washington, D. C. 20036</p> <p><del>Gable, Gotwals, Hays, Rubin &amp; Fox</del> <del>2010 Fourth National Building</del> <del>Tulsa, Oklahoma 74119</del></p>

  

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 12-1-67 8-1-71	Clerk	11-16-67	Kothe	15 00	
		11-24-67	CD 22		15 00
		3-26-70	Kothe	5 00	
J.S. 6 mailed 3-1-70 7-1-72	Marshal	4-2-70	C/D 43		5 00
		8-18-70	Kothe	5 00	
		8-20-70	C.D.No.9		5 00
Basis of Action: Declaratory Judgment, damages and injunctive relief	Docket fee	6-23-72	Eagleton	5 00	
	Witness fees	6-29-72	C.D.No.57		5 00
Action arose at: Tulsa, Okla	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-16-67	Complaint, filed. x summons issued x b	
11-22-67	Summons returned, filed - served International Union United Automobile, Aerospace and Agricultural Implement Workers of America (UAW-AFL-CIO) Dist. Lodge 1093, by serving George L. Fugate, President of said local at Tulsa, Oklahoma on 11-21-67. (Fee \$4.92) b	
12-4-67	Motion for extension of time to file responsive pleading up to and including 1-20-68. w (copies sent to John Eagleton)	
12-4-67	Order that defendants time for filing responsive pleading extended to 1-20-68. AEB-J. w (copies sent to John Eagleton)	
12-12-67	Summons, returned and filed: served McDonnell Douglas Corp. on 11-28-67, at Oklahoma City, Oklahoma. (USM \$4.00)g	
12-13-67	Defendant McDonnell Douglas Corporation's application for extension of time to plead or answer, filed. ds	
12-13-67	Order that defendant McDonnell Douglas Corp. be granted until 1-20-68 to plead or answer, filed. (NCH-C) ds	
1-19-68	Defendants' International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, Local No. 1093 Motion to Dismiss, filed. w (with memorandum brief)	
1-19-68	Defendant's McDonnell Douglas Corporation Motion to Dismiss Complaint, filed. w (with brief)	
2-16-68	Application for extension of time to respond to defendants' motions to dismiss, filed. w	
2-16-68	Order granting extension of time until 3-14-68, filed. (AEB-J) w	
3-13-68	Plaintiffs' Response to defendant McDonnell Douglas Corporations' motion to dismiss, filed. ds	
3-13-68	Plaintiffs' response to defendant United Automobile Workers' motion to dismiss, filed. ds	
3-13-68	Amended complaint withdrawing certain parties plaintiff and adding additional parties plaintiff, filed. b	
4-3-68	Motion for extension of time to file brief, filed. ds	
4-3-68	Order, that defendant labor organizations be granted up to and including May 1, 1968 to file brief, filed. (AEB-J) ds	
4-30-68	Reply memorandum of defendant United Automobile Workers in support of motion to dismiss, filed. b	
5-2-68	Reply Brief of defendant McDonnell Douglas Corporation, filed. e	
6-5-68	Memorandum for Defendant United Automobile Workers Suggesting That The Cause Is Moot. Filed js	
1-26-70	Hearing on motions. Court orders that motions of defendants, International Union, etc., and McDonnell Douglas Corp, to dismiss are sustained, and case dismissed. Jack N. Hays and Maynard Ungerman directed to prepare proper final order dismissing, within 10 days.(AEB-J)h	
2-13-70	Reporter's transcript of proceedings had on January 26, 1970, defendant's motions to dismiss, filed. (Larry Marks -CSR) b	
2-24-70	Order granting defts' motion to dismiss and case dismissed as to both defts., filed and entered. (AEB-J)m (copies mailed)	
3-6-70	Pltfs' motion for vacation of order dismissing complaint and motion for reconsideration, rehearing, and new trial, filed. m	
3-6-70	Brief in support of motion for vacation of order dismissing complaint and motion for reconsideration, rehearing and new trial, filed. m	
3-6-70	Ordered that defts. respond with brief to pltfs' motion for vacation of order dismissing complaint and motion for reconsideration, rehearing, and new trial, within 10 days. (AEB-J)m	
3-17-70	McDonnell Douglas' response to plaintiffs' brief in support of motion for vacation of order, etc, filed. ds	

(continued)

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-17-70	Brief of defendant International Union United Automobile, Aerospace and Agricultural implement workers of America (UAW-AFL-CIO) District Lodge 1093, in response to plaintiff's motion for order dismissing complaint, reconsideration, rehearing and new trial, and motion for leave to amend complaint, filed. ds	
3-25-70	Amended motion of plaintiffs for vacation of order dismissing complaint, for reconsideration, rehearing and new trial, and for leave to amend complaint with amended motion for leave to amend complaint attached, filed.	
3-25-70	Brief in support of amended motion for vacation of order dismissing complaint, for reconsideration, rehearing and new trial and for leave to amend complaint, filed. b	
3-26-70	Ordered by the court that the defendants respond, with brief, to the amended motion of plaintiffs for vacation of order dismissing complaint, for reconsideration, rehearing and new trial, and for leave to amend complaint with amended motion for leave to amend complaint attached, within 10 days from date. (Allen E. Barrow-Judge) b	
3-26-70	Notice of appeal by plaintiffs, filed. Cpy to USCA and all counsel for defendants. g	
3-31-70	Cost Bond, in the amount of \$250.00 cash. filed. js	
4-2-70	Response and brief to plaintiffs' amended motion for vacation of order dismissing complaint, for reconsideration, rehearing and new trial, and for leave to amend complaint, filed. ds	
4-2-70	Brief in response to plaintiffs' amended motion for vacation of order dismissing complaint, for reconsideration, rehearing and new trial, and for leave to amend complaint, filed. ds	
4-7-70	Reporter's transcript of proceedings had on January 26, 1970, on defendants' motion to dismiss, filed. g	
4-13-70	Supplemental brief of defendant McDonnell Douglas Corporation in response to plaintiffs' motion and amended motion for vacation of order dismissing complaint, for reconsideration, rehearing and new trial, and for leave to amend complaint, filed. b	
5-5-70	Appeal record (orig. + 3 copies) forwarded to USCA, Denver. g	
5-28-70	Plaintiffs' reply brief re: amended motion for vacation of order dismissing complaint, for reconsideration, rehearing and new trial, and for leave to amend complaint, filed. b	
7-27-70	Order overruling plaintiffs' motion for vacation of order dismissing complaint and motion for reconsideration, rehearing and new trial; and overruling plaintiffs' amended motion for vacation of order dismissing complaint, for reconsideration, rehearing and new trial, and for leave to amend the complaint herein, filed. (AEB-J) (copies mailed)	
8-10-70	Application for supplemental transcript of plaintiff, filed. ds (Copies mailed to John Eagleton)	
8-10-70	Approval for supplemental transcript, filed. (AEB-J)g	
8-14-70	Notice of appeal by plaintiffs from order of 7-27-70 overruling motions, filed. cpy to USCA and all counsel for defendants. g (Order of 7-27-70 made a supplement to appeal record)	
7-1-71	Mandate and Opinion of USCA, 10th Circuit, filed and spread of record, reversing as to dismissal of UAW and affirming as to dismissal of McDonnell Douglas. g	
7-1-71	Answer of International Union, filed. v	
7-1-71	Motion of <del>UAW</del> UAW for summary judgment, filed. v	
7-1-71	Affidavit of Emil Mazey, Secretary-Treasurer of International Union, UAW.	
7-1-71	Defendant's memorandum of points and authorities in support of motion for summary judgment, filed. v over	

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-13-71	Request of pltfs. for additional time to file reply to defts' motion for S/J and to amend complaint, filed. m	
7-13-71	Brief in support of request for additional time to file reply to defts' motion for S/J and to amend complaint, filed. m	
7-26-71	Defendant's response to plaintiffs' request for additional time to file reply to defendant's motion for summary judgment and to amend complaint, filed. v	
9-10-71	Plaintiffs' Opposition to Motion for summary judgment, filed. v	
9-13-71	Affidavit of E. R. Reid, filed. m	
9-23-71	Defendant's Reply in Support of Summary Judgment, with Affidavits attached, filed. v	
10-27-71	Order by Court that Magistrate Hear Deft. UAW's Motion for Summary Judgment and Plaintiff's request for additional time to file reply to deft.'s motion for summary judgment and to amend complaint. (AEB-J)v	
10-27-71	Plaintiff represented by E. John Eagleton and Jonathon C. Gibson; Defendant represented by Maynard Ungerman and Stephen I. Schlossberg. This motion having been referred to the United States Magistrate for hearing and recommendation, the United States Magistrate recommends that Deft. UAW's motion for summary judgment be denied---and Pltff. has ten (10) days to file amendment to complaint and to prepare an order. (MLB-U.S.Mag.)v	
11-4-71	Defendant's objection to Magistrate's finding and to proposed order denying defendant's motion for summary judgment, filed. v	
11-4-71	Defendant's motion to stay amendment of complaint and other proceedings pending entry of the court's order on motion for summary judgment, filed. v	
11-4-71	Memorandum in support of defendant's objection to magistrate's finding and to proposed order denying defendant's motion for summary judgment, filed. v	
11-4-71	Order by the Court that Plaintiff is granted 10 days from this date to respond to Defendant's Motion to stay amendment of complaint and other proceedings pending entry of the court's order on motion for summary judgment. (AEB-J)v	
11-11-71	Pltfs' Motion for extension of time to file reply briefs, filed.	
11-11-71	Pltff's Brief in support of Motiom for Extension of time to file reply brief. Filed. r	
11-16-71	Order approving request for extension of time to file reply briefs, filed. (part of motion for extension) r (AEB-J)r (copies mailed to attorneys)	
12-6-71	Transcript of Hearing of 10-27-71 before M. Bradford, Magistrate by Millie Ballard, filed. r	
12-14-71	Plaintiffs' Response to Defendant's Objections to Magistrate's Holding Against Summary Judgment, filed. v	
12-21-71	Application for extension of time within which to file response to Plaintiffs' Response to def's objections, etc., filed by defendant International Union filed.h	
12-22-71	Order that Deft. is granted to Jan. 3, 1972, to file its response to Pltff.'s Response to Deft.'s Objections to Magistrate's Holding Against Summary Judgment, filed. (AEB-J)v	
1-3-72	Reply Memorandum for Deft. on Objection to Magistrate's Proposal, filed.v	

(OVER)

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-24-72	Pltf's Motion for leave to file supplemental complaint to complaint, filed. r	
2-24-72	Pltf's Memorandum of Points and authorities in support of the Motion for Leave to file supplemental complaint and in support of request for Preliminary Injunction, filed. r	
2-24-72	Ordered by the Court that Defts are granted 10 days from this date to respond to the Pltfs Motion for Leave to file supplemental complaint to complaint. (AEB-J)r	
3-7-72	Defendants' opposition to motion for leave to file supplemental complaint, filed. g	
3-20-72	Motion of the Plaintiffs for Determination by the Court that a Class Action shall be Maintained with Points and authorities in support of motion RE Class Action, filed. v	
3-20-72	Ordered by the Court that the Deft.s are granted 10 days from this date to respond to Pltf.'s Motion for determination by the Court that a class action shall be maintained. (AEB-J)v	
3-27-72	Opposition of deft.and cross-motion for determination that a class action cannot be maintained, filed. hm	
3-27-72	Memorandum in support of opposition and motion re class action, filed.hm	
4-5-72	Reply of pltfs. to opposition to mo. for leave to file suppl. complaint, filed. rm	
4-12-72	Statement by pltfs., reply to opposition to determination of class action, filed. rm (copy to Marilyn)	
4-25-72	Ordered by the Court that parties are granted 13 days from this date, to and including the 8th of May, 1972, to file proposed findings of facts and conclusions of law concerning the motion for summary judgment. (AEB-J)v	
5-3-72	Application of the Plaintiffs for extension of time, until May 29, 1972, in which to file their Findings of Fact and Conclusions of Law, filed. v -order to Judge.	
5-4-72	Order granting pltfs. until 5-29-72 to file F/F & C/L re motion for summary judgment, filed. (AEB-J)g	
5-8-72	Def.'s proposed FF & CON.of Law, filed. rm - copy to Marilyn	
5-30-72	Pltf.'s proposed FF & Con. of Law, filed. rm	
6-14-72	Order Denying Leave to File a Supplemental Complaint, filed. (AEB-J)v	
6-14-72	Findings of Fact, Conglusions of Law and Judgment, filed and entered. Ordered that Summary Judgment be entered, in favor of the deft. Union and against the pltf.s herein, and each of them. Deft. Union is awarded costs, but no atty. fees. (AEB-J)v <i>copies mailed</i>	
6-23-72	Bill of costs of deft., filed. Taxing of costs set 7-12-72 at 10:30 a.m. hm	
6-23-72	Notice of appeal by plaintiffs from judgment of 6-14-72, filed. g cpy to USCA, Ungerman, Youngdahl, Schlossberg and Rauh. g	
7-12-72	Bill of Costs are hereby taxed in the amount of \$1,131.81, this 12th day of July, 1972, and that amount in judgment. (Eagleton did not show for tax hearing). js	
7-17-72	Motion to Review Taxation of Costs, filed. js	
7-17-72	Brief in Support of Motion to review taxation, filed. js	
7-21-72	Plaintiffs' designation of contents of record on appeal, filed. g	
7-25-72	Appeal record (4 vols.) sent to USCA. g	
8-3-72	Amendments and Objections to Plaintiffs' designation of record on appeal filed. h(by def.) <i>with brief</i>	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-10-72	Motion of pltf. for order settling contents of record on appeal, filed.rm	} Copies 65 in envelope
8-10-72	Supplemental designation of contents of record on appeal, filed. rm	
8-11-72	Order directing Clerk to file supplemental record on appeal containing the balance of the file in this litigation, filed.(AEB-J)g	
8-25-72	Supplemental appeal record (Vols. V & VI) sent to USCA. g	
8-25-72	Deft's motion to stay decision on plaintiff's motion to review taxation of costs, with brief in support, filed. hm	
8-25-72	Reply to pltf's motion to review taxation of costs, with brief in support, filed. hm	
6-27-73	Mandate of USCA, affirming judgment of 6/14/72, filed and spread of record. rm	
6-28-73	Appeal record (six volumes) received from USCA. rm	
6-28-73	Bill of costs in the amt. of \$1,244.20, filed, and hearing set before Clerk on 7-10-73 at 10:00 a.m. hm	
7-10-73	Costs taxed in the amt. of \$1,244.20 & that amt. included in judgment. (JCS-Clk) rm	
7-16-73	Plaintiffs' motion for stay of execution and enforcement of order, judgment or decree; affidavit and memorandum of points and authorities in support of motion for stay of execution, etc., filed.	
8-13-73	Plaintiffs' request (letter) that Clerk prepare and transmit complete record to the Clerk of The Supreme Court of the U.S., filed. g	
8-17-73	Order sustaining deft's motion to stay decision on plaintiff's mot. to review taxation; mot. abated pending appeal to Supreme Court of U. S., filed. (AEB-J)g	
8-17-73	Order sustaining pltfs' mot. for stay of execution and enforcement of order, judgment & decree, filed. (AEB-J)g	
9-7-73	Appeal record (7 vols.) sent to Supreme Court of U. S. g	
12-12-73	CC of Order of Supreme Court denying petition for writ of certiorari, (Justice Douglas would grant certiorari), filed. g	
1-15-74	Appeal record (7 vols.) recd. from Supreme Court of U.S. rm	
5-9-74	ORDER Sustaining the Motion to Review Taxation of Costs and Directing The Clerk to Re-Tax the Costs in Conformity with this Order, filed. (AEB-J)e Copies 100	